

Appl. No. 10/814,341
Amtd. Dated July 15, 2005
Reply to Office Action of February 17, 2005

Remarks

This paper is being filed in response to the Office Action mailed on February 17, 2005 ("Office Action"). Claims 25-51 are pending. Claims 30-34, 43, 44, 46 and 47 are withdrawn from consideration. Claims 25, 27, 28, 37, 39-41, 45 and 48-51 are herein amended.

I. IN THE SPECIFICATION

The Examiner objects to the specification because the Abstract is greater than 150 words in length, the Abstract states "capable of" which implies that the invention may or may not do what is being stated and the current status of the related applications are not provided. In response, the Applicants herein amend the Abstract to be less than 150 words in length. In addition, the Applicants herein amend the paragraphs on page 3, lines 6-17, page 9, lines 6-17 and the Abstract to delete "capable of". Moreover, the Applicants herein amend page 1, lines 1-3 to provide the current status of the related applications. As such, the Applicants respectfully request the objections be withdrawn.

II. IN THE CLAIMS

The Examiner objects to claims 25-29, 37, 39-42, 45 and 48-51 for multiple informalities. In response, the Applicants herein amend the claims in accordance with the Examiner's suggestions except for one. Namely, in claims 41, 50 and 51 the Examiner asks if the "at least one distribution panel" is the energy distribution panel previously referred to in the claim. The Applicants respectfully submit the language as written in the claims is clear. The limitation "at least one distribution panel" may be the energy distribution panel previously referred to in claims

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41, 50 and 51. However, if more than one distribution panel is used then the limitation "at least one distribution panel" may not necessarily refer only to the energy distribution panel previously referred to in claims 41, 50 and 51. Other distribution panels may be used. As such, the Applicants respectfully request the objections be withdrawn.

III. REJECTION OF CLAIMS 25, 27 AND 45 UNDER JUDICIALLY CREATED DOCTRINE OF DOUBLE PATENTING

In the Office Action at pages 4 and 5, the Examiner states that claims 25, 27 and 45 are rejected under the judicially created doctrine of double patenting. The Examiner asserts that claims 25 and 27 are unpatentable over claims 16 and 17, respectively, of U.S. Patent 6,728,646 and claim 45 is unpatentable over claim 1 of U.S. Patent 6,728,646.

As to claims 25 and 27, the Applicants respectfully traverse the rejection for at least the following reasons. Claim 25, as amended for clarity, further recites the limitation of "wherein said energy distribution panel includes a display for outputting said energy usage at the location". Moreover, claim 27 depends on claim 25 and recites further limitations. Therefore, claims 25 and 27 are clearly patentable over claims 16 and 17 respectively of U.S. Patent No. 6,728,646.

As to claim 45, the Applicants herein files a terminal disclaimer in accordance with 37 CFR 3.73(b). As such, the Applicants respectfully request the rejection be withdrawn.

IV. REJECTION OF CLAIM 38 UNDER 35 U.S.C. § 102

In the Office Action at pages 6 and 7, the Examiner states that claim 38 is rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,963,146 ("Johnson"). The Applicants respectfully traverse the rejection for at least the following reasons.

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Johnson teaches a wide area communications network for remote data generating stations. The wide area network collects data generated by a plurality of physical devices such as gas, water and electricity meters. (Johnson, Abstract.) Sensors are able to read the meter automatically eliminating the need to have a meter reader person. (Johnson, col. 11, lines 20-25.)

The Applicants respectfully submit that Johnson does not anticipate the Applicants' independent claim 38. Specifically, Applicants' independent claim 38 recites outputting a cumulative, real-time measurement of usage of a customer's metered utilities. The Applicants' specification teaches that by outputting cumulative, real-time measurement of utility usage to the customer, a customer can adjust usage based on this information. (Applicants' Specification, p. 2, lines 10-14.)

In contrast, Johnson only teaches automating the reading of meters. (Johnson, col. 11, lines 20-40.) Specifically, Johnson teaches that "an essential sensor is for meter reading" and "[t]he wide area communications network supports distributed automation functions including basic meter reading, time of use meter reading". (Id. emphasis added.)

Moreover, Johnson does not teach, show or suggest collecting cumulative, real-time measurements of usage of a customer's metered utilities. Johnson teaches that readings are taken at time intervals. (Johnson, col. 8, lines 28-30, 43-46; col. 13, lines 1-15.) Thus, information collected in Johnson may not be as current as the information collected by the Applicants' invention because unlike the Applicants' invention where usage information is cumulative, real-time, Johnson teaches that the usage information is collected at time intervals. As such, Johnson fails to teach, show or suggest outputting a cumulative, real-time measurement of usage of a

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customer's metered utilities as recited in independent claim 38. Therefore, Johnson clearly does not anticipate Applicants' independent claim 38 and the Applicants' respectfully request the rejection be withdrawn.

V. REJECTION OF CLAIM 40 UNDER 35 U.S.C. § 103

In the Office Action at pages 7 and 8, the Examiner states that claim 40 is rejected under 35 U.S.C § 103(a) as being unpatentable over Johnson in view of US Patent 6,088,659 ("Kelley"). In response, the Applicants herein amend independent claim 40 and respectfully traverse this rejection for at least the following reasons.

The teachings of Johnson are discussed above. Kelley teaches an automated meter reading system. Kelley teaches an automated meter reading (AMR) server able to collect, load, and manage system-wide data collected from energy meters. (Kelley, abstract, emphasis added.)

The Applicants respectfully submit that Johnson and Kelley, alone or in any permissible combination, do not teach, show or suggest the Applicants' amended independent claims 40. Specifically, Applicants' independent claim 40 recites "outputting a load profile of said utility usage, wherein said load profile of said utility usage is accessible by the at least one customer in real-time". The Applicants' specification teaches that by outputting cumulative, real-time measurement of utility usage to the customer, a customer can adjust usage based on this information. (Applicants' Specification, p. 2, lines 10-14.)

Johnson completely fails to teach, show or suggest outputting a load profile of said utility usage, wherein said load profile of said utility usage is accessible by the at least one customer in real-time. Johnson only teaches automating the reading of meters (Johnson, col. 11, lines 20-40.) Kelley fails to bridge the significant gap left by Johnson. Kelley only discloses an

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automated meter reading (AMR) server able to collect, load, and manage system-wide data collected from energy meters. (Kelley, abstract, emphasis added.)

Assuming arguendo that it were proper to combine Johnson and Kelley, which Applicants do not admit, the combination of Johnson and Kelley fail to teach, show or suggest the Applicants' invention. Combining Johnson and Kelley only teaches an AMR server able to collect, load and manage system-wide data collected in time-intervals that are automatically read from energy meters. Therefore, Applicants' independent claim 40 is clearly patentable over Johnson and Kelley. As such, the Applicants respectfully request the rejection be withdrawn.

V. ALLOWABLE SUBJECT MATTER

The Examiner submits that claims 35-37, 39, 41 and 48-51 are allowed subject to the appropriate corrections of the objections in the Office Action. Moreover, the Examiner submits that claims 26, 28, 29 and 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. As to claims 35-37, 39, 41 and 48-51, Applicants respectfully submit that appropriate corrections are made and claims 35-37, 39, 41 and 48-51 are now in allowable form. Moreover, in light of the arguments above, the Applicants respectfully submit that independent claim 25 is in allowable form. Therefore, claims 26, 28, 29 and 42, are no longer dependent upon a rejected base claim and are in allowable form. As such, the Applicants respectfully request the objections be withdrawn and thank the Examiner for the allowance of these claims.

Conclusion

Applicants believe that Applicants have fully responded to the Examiner's concerns and that all of the claims are in condition for immediate allowance. Applicants respectfully request

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immediate allowance of all claims.

Applicants request that any questions concerning this matter be directed to the undersigned at (609) 895-6639.

Respectfully submitted,


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